

S.B. CIVIL WRIT PETITION NO.282/2005
Gurdeep Singh vs. State and another.

Date : 17.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. P.S. Bhati, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the orders passed by two courts below namely, order dated 31.3.2003 (Annex.1) passed by the trial court rejecting the petitioner's application for temporary injunction by which the petitioner sought continuation of irrigation supply by staying the orders passed by the respondents discontinuing the irrigation supply to the petitioner and the order dated 22.11.2004 (Annex.2) by which the appellate court dismissed the petitioner's appeal.

It appears from the reasons given by the courts below in their orders that the two courts concurrently found that the petitioner did not obtain necessary sanction for irrigation despite letter of the respondents dated 4.7.2000 and the petitioner was found using water for other purpose than the purpose for which the facility was given to the petitioner.

Learned counsel for the petitioner submitted that the petitioner applied for sanction of the appropriate authority before the expiry of the time. He further

stated that injunction was granted to some other cultivators but in case of the petitioner, injunction was not granted. It is also submitted that the petitioner has not violated any of the term or condition for supply of water and has not misused the water.

I have considered the submissions and have perused the impugned orders.

In view of the concurrent findings of fact recorded by the courts below, the petitioner cannot rely upon his allegation that in other cases, injunction was granted. The petitioner has to prove his case and in case, the petitioner feels that in identical facts, relief was granted by civil court, then he has to put material on the record.

In the totality of the circumstances, I do not find any illegality in the impugned orders. Accordingly, this writ petition, having no merit, is hereby dismissed.

However, it is made clear that any observation made in the impugned orders or by this Court shall not come in the way of the petitioner in proving his case on merits.

(PRAKASH TATIA), J.

S.Phophaliya